

353 NORTH CLARK STREET, CHICAGO, ILLINOIS 60654-3456

JENNER & BLOCK LLP

April 7, 2023

Terri L. Mascherin
Tel +1 312 923 2799
TMascherin@jenner.com

The Honorable Andrew L. Carter Jr.
United States District Judge
U.S. District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 435
New York, NY 10007

**Re: *Schansman et al. v. Sberbank of Russia PJSC et al.*, No. 19-cv-2985 (ALC) (GWG) –
Update Relevant to VTB Bank PJSC’s Pre-Motion Letter for Conference re:
Proposed Motion for Summary Judgment (ECF No. 498)**

Dear Judge Carter:

Plaintiffs write to notify the Court regarding a development pertinent to VTB Bank PJSC’s (“VTB”) March 21, 2023 pre-motion letter requesting leave to file a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure. ECF No. 498. After Plaintiffs responded to VTB’s letter to the Court, ECF No. 499, on March 30, 2023, VTB served discovery requests on Plaintiffs addressing subjects that VTB seeks to bring before the Court in its proposed motion for summary judgment.

VTB’s actions contradict its representations to the Court in its March 21, 2023 pre-motion letter. While VTB represented to the Court that “any additional discovery in this action would be futile,” ECF No. 498 at 1, VTB thereafter served Plaintiffs with requests for production and interrogatories directly relevant to its proposed motion for summary judgment. For example, VTB seeks information from Plaintiffs about the JIT Report at the heart of its proposed motion for summary judgment, in addition to evidence relevant to VTB’s proximate cause arguments, which is the central legal issue raised by VTB’s proposed motion. Thus, VTB is simultaneously arguing that there are no material facts in dispute *and* seeking—for the first time more than 16 months into discovery—more facts from Plaintiffs.

VTB’s discovery requests further demonstrate that VTB’s proposed motion for summary judgment would be premature at this time.

Respectfully Submitted,

s/ Terri L. Mascherin
Terri L. Mascherin (admitted *pro hac vice*)
Jenner & Block LLP
353 N. Clark Street
Chicago, IL 60654